

ENTERED

April 08, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISIONSUPERIOR NDT LLC, *et al.*,

Plaintiffs,

VS.

STREAMLINE ENERGY SERVICES
LLC, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:22-CV-00298

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

On March 7, 2024, United States Magistrate Judge Jason B. Libby issued his “Memorandum and Recommendation” (D.E. 32), recommending that Plaintiffs’ Amended Motion for Summary Judgment (D.E. 31) be granted in part and denied in part such that certain Plaintiffs be granted a money judgment against certain Defendants and the remaining facially invalid claims be dismissed without prejudice. *See also* Order, D.E. 27 (detailing the self-contradictory nature of the pleadings and proof); Scheduling Order, D.E. 16 (setting the deadline for amending pleadings on September 1, 2023).

The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s memorandum and recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed. When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG*


Indus., Inc., 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)). In the course of that review, the Court noted a clerical error in the discussion of Count II that is deemed corrected to read as follows:

The undisputed summary judgment record shows that both Gaza Defendants entered into contracts with the individual *Plaintiffs*, they defaulted when they failed to pay the monthly payments in accordance with the payment schedule and they failed to cure this default causing the individual Plaintiffs to suffer damages.

D.E. 32, p. 9, ll 3-7 (emphasis added to highlight change).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's memorandum and recommendation (D.E. 32), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge as corrected. Accordingly, the amended motion for summary judgment (D.E. 31) is **GRANTED IN PART** and **DENIED IN PART**. Final judgment will be entered in favor of the individual Plaintiffs as to Count II of the Amended Complaint and this case is otherwise dismissed without prejudice. The individual Plaintiffs have submitted competent summary judgment evidence that they are entitled to \$227,712.15 plus late fees in the amount of \$39,300.00, totaling \$267,012.15, for which judgment will issue.

ORDERED on April 8, 2024.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE